DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING SERVICE CENTER
1100 23RD AVE
PORT HUENEME CA 93043-4370

Sample Negative Determination

IN REPLY REFER TO:

4100
Ser 21/7O82
11 Apr 1997

Mr. James Raives
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Raives:

Re: (a) Scoping letter Ser 232.PM/10059 dated 31 Jan 1996

In accordance with the Federal Coastal Zone Management Act of 1972 (Act) as amended, Section 307(c)(1) the Navy has determined that the construction and operation of the Strategic Environmental Research and Development Program (SERDP) Wind Farm at San Clemente Island (SCI) would not affect the coastal zone and therefore does not require a consistency determination.

An Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and OPNAVINST 5090.1B, which concluded that that the proposed action would not significantly affect the environment. The Environmental Assessment is attached as enclosure (1). Reference (a) was forwarded to the California Coastal Commission (CCC) as part of the scoping process during preparation of the EA. Reference (a) is included in Appendix A of Enclosure (1). In addition, the Navy has concluded formal consultation with the Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act of 1973, as amended, for potential impacts to the federally listed threatened island night lizard *(Xantusia riversiana)* and the federally listed endangered San Clemente loggerhead shrike *(Lanius ludovicianus mearnsi)*. As documented in enclosure (2), it is the opinion of the FWS flat the proposed action would not jeopardize the continued existence of the island night lizard or the San Clemente loggerhead shrike and that no critical habitat would be impacted. An analysis pursuant to :the National Historic Preservation Act (NHPA) was conducted and no archeological resources were identified in the footprint of the proposed action. The Navy is currently pursuing concurrence from the State Historic preservation Officer (SHPO).

The proposed action would occur at San Clemente Island (SCI) which is wholly owned by the U.S. Navy and maintained by Naval Air Station, North Island (NASNI). SCI is located off the Southern California coast approximately 120 kin (75 miles) west/northwest of the City San Diego and 80 km (60 miles) southwest of the City of San Clemente (see Figure 1). The project site would be located on the northern third of the island, approximately 1.7 km (1.1 miles)

southeast of the Naval facilities at Wilson Cove and just south of the existing Jacobs wind farm. Access to the project area would be via Telemetry Road, an existing partially paved road which runs in a generally east-west direction from the paved San Clemente Ridge Road.

The proposed action consists of constructing and operating four wind turbines, an electrical substation, and an underground transmission line from the wind turbines to the substation. Additional ground disturbance associated with the proposed action would result from upgrading an existing graded access road, and staging area. Figure 3 shows the limits of ground disturbance associated with the project action.

The four wind turbines would each be up to 43 meters (140 feet) tall with blades extending an additional 17 meters (5 5 feet), for a maximum height of 60 meters (I 95 feet). The towers would be of tubular construction and would each have a square concrete base measuring 7.6 meters (25 feet) per side. There will be no guy wires. The maximum area of disturbance around each tower due to construction would extend a radius of 15 meters (50 feet) from the center of the tower.

The proposed action would utilize an existing access road which runs approximately 375 meters (1230 feet) north from Telemetry Road to an existing meteorological tower. The existing access road would be upgraded to an approximately 3.6-meter-wide (12-foot-wide) all weather road. Ground disturbance associated with upgrading the access road could extend up to 6 meters (20 feet) on either side of the road, for a total width of disturbance of 17 meters (56 feet) along the entire length of the road.

An electrical substation would be constructed approximately 10 meters (33 feet) south of Telemetry Road. The area of ground disturbance associated with the substation and parking would be contained within an approximately 45-meter by 27-meter (I 50-foot by 90-foot) area, as shown in Figure 3.

The proposed wind turbines and existing meteorological tower would be connected to the proposed substation via underground electrical lines along the west side of the access road. Construction of the underground lines would entail excavating a trench, placing the electrical conduit in the trench, backfilling it, and pulling the electrical wire through the conduit. The trench would be approximately 0.6 meters (2 feet) wide and 0.6 to 0-9 (2 to 3 feet) deep. Small underground vaults would be constructed at each wind turbine base and at the meteorological tower, allowing access to the underground transmission line and providing for a connection between the transmission line and the turbines and tower.

The construction staging area would be centered on the existing access road approximately 110 meters (360 feet) north of Telemetry Road. Staging area activities would include equipment and material storage and the assembly of wind turbine components. The staging area would occupy a roughly hexagonal area 65 meters (220 feet) across as shown in Figure 3. Material would be transported along existing roads from the barge at Wilson Cove to the staging area.

In addition, materials will be moved from the staging area to the construction zone along the existing access road at the proposed site.

The Navy has determined that the proposed action, as described above, would occur outside the coastal zone. As defined in Section 304 of the Act, the term "coast zone" does not include "lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government." San Clemente Island is wholly owned and operated by the Department of the Navy and therefore is excluded from the coastal zone.

However, the Navy does recognize that actions outside the coastal zone may affect land or water uses or natural resources of the coastal zone and therefore are subject to the provisions of the Act. Consequently, an analysis of the impacts of the proposed action on the coastal zone was conducted. The issues relating to impacts on the coastal zone include impacts on water quality, air quality, migratory birds, and aesthetics. Other issues not considered part of the coastal zone, as defined, but that may be of interest to the CCC, include impacts to the island night lizard, the San Clemente Island Loggerhead shrike, and archeological resources.

Potential impacts to water quality associated with the proposed action could result from an increase in erosion and an increase in ocean going vessels to and from the island. Based on the scale and location of the proposed action, the surface disturbance of a 3 acre area would not significantly alter existing drainage patterns. Hence, no changes in the runoff would result and the quality of the water adjacent to the island would not change. The upgraded access road would include drainage ditches to carry flows from the central and southern portions of the site south to Telemetry Road. From there, the flows would follow the existing (man-made) drainage system away from the area. Culverts under the southern portion of the access road would ensure that the upgraded road did not act as a barrier to runoff flows. Therefore, there would be no impacts to water quality due to erosion. Construction equipment would be barged to the island on the regularly scheduled barge, which docks at an existing pier at Wilson Cove. If additional trips are necessary, the resulting increase in barge trips would not be significant. In addition, the implementation of the proposed action would not affect the number of people required to maintain the utility system of the island. The proposed action would not concede to an increase in the population of the island therefore an increase in the number of trips to the island is not anticipated. Therefore, the proposed action would not affect the water quality.

The purpose of the proposed action is to decrease the use of fossil fuel at SCI. As a result of this decrease, there would bc a long term beneficial impact due to the reduction in NOx emissions. Short term emissions would be generated by construction activities. However, it has been determined that these emissions would be less than the de minims thresholds and would be less than 10 percent of the area's emission budget. Therefore, the proposed action is exempt from a conformity determination and would not impact air quality.

As part of the EA, the potential impacts of the proposed action to raptors and other species protected under the federal Migratory Bird Treaty Act (MBTA) were assessed. A wintering raptor survey was conducted along with a literature search on avian/wind turbine interaction. The survey consisted of four 2-day focused surveys for wintering raptors during December 1995 and January 1996. In addition, raptor activity was also recorded during a separate general wildlife survey in September 1995. A summary of the analysis is included in section 4.1 of enclosure (1) and the results of the survey can be found in Appendix B of enclosure (1).

With respect to relative raptor population size, the location of the proposed action is not in a major migration corridor or an unique concentration area. Northern harriers, red-tailed hawk, and American kestrel were observed consistently within the vicinity of the proposed action during the winter raptor survey. In addition, nine other species of raptors may occur within the proposed location. None of &.e raptors that were noted during the winter raptor survey are protected by the ESA, but all are protected by the MBTA. Enclosure (1) also concludes (page 4-8) that using the mortality rates of much larger wind farms the predicted number of birds to be impacted over ten years would be 2.3. In addition, there is currently an existing wind farm, the Jacobs wind farm, that consists of 6 wind turbines on lattice towers. Since the wind farm was installed in 1987, there have been no reported bird mortalities. Enclosure (1) also concludes that the loss of 3 acres of annual/perennial grasslands would not result in a significant loss for raptors.

Several mitigation measures would be taken to reduce the potential impacts due to bird/wind turbine collisions. A post construction survey would be conducted to determine the rate of mortality of raptor or other sensitive bird species at the proposed site. The proposed wind turbines would be of a tubular construction to eliminate the potential for perching associated with lattice towers. Any surface which might provide for perching would be covered with anti-perching material to reduce perching opportunities. Raptor nests, found on structures in the proposed location would be moved to a suitable habitat away from the wind farm. These mitigation measures, the lack of a major migration corridor, and the fact that the number of raptors in the area is small indicates that the impact to migratory birds would not be significant.

The extent of the proposed action's impacts on aesthetics would depend on the scale and character of the proposed wind turbines and associated facilities, their contrast with the surrounding area, and their appearance to sensitive viewers within the project view shed. Figure 11 on page 4-18(a) of enclosure (1) shows a visual simulation of the proposed location from offshore. The towers are visible, but do not dominate the view, primarily because they would appear small compared to the tall, steep slope of the island's eastern escarpment. SCI personnel and persons within the restricted access zone extending 274 meters (300 yards) offshore are not considered sensitive receptors. Therefore, due to the comparatively small scale of the turbines relative to the natural topography and the lack of sensitive receptors, there are no visual impacts from the proposed action.

It is the opinion of the FWS that the proposed project is not likely to jeopardize the continued existence of the island night lizard The Biological Opinion is attached as enclosure (2). This conclusion is based on several factors: (1) the location of the proposed action is characterized by grassland and disturbed bare ground which are habitants categorized as less desirable and poor, respectively; (2) the amount of surface disturbance is only 3 acres which makes up less than 0.01 percent of the area occupied by lizards; (3) the reduction in island night lizard population on SCI likely to occur incidental to the proposed action is insignificant based on the estimated population of 1-2 million lizards and the fact that the area is not ideal lizard habitat.

It is also the opinion of the FWS that the proposed action would not jeopardize the existence of the San Clemente loggerhead shrike. This conclusion is based on the proposed mitigation measures and the behavioral characteristics of the species. The shrike winters in the northern part of the island in the grasslands, but close to large shrubs or trees for shelter from the prevailing winds. The proposed area contains very few, if any shrubs and no trees as shown in Figure 4 of enclosure (1); and the area was chosen for this project because the prevailing winds are, on average, one of the highest on the island. Also, the shrikes prefer foraging in areas that have adequate perches and sharp branches to impale prev. The proposed action includes design measures which minimize perch introduction. Enclosure (1) also suggests that there are several areas that have more adequate perching sites on the north end of the island than the proposed area. In addition, if a shrike were to enter near the proposed area, the potential for blade strike is low since shrikes normally hunt low to the ground and avoid prevailing winds. The towers are 43 meters (140 feet) high with blades that extend down 17 meters (55 feet), which means a bird would have to fly at an altitude of more than 26 meters (85 feet) during prevailing winds to be stricken by a blade. When the winds are not blowing adequately enough (less than 8 miles per hour) the blades would not rotate. Therefore, at the time when a shrike is most likely to enter into or pass through the proposed area during low wind speeds, the blades would not present a significant risk.

No archeological resources were identified at the proposed location. The Natural Resources Office of NASNI has fully adequate records of all identifiable cultural loci in the vicinity of the proposed action. A summary of these records is included in Section 3.7 of enclosure (1). The sites are typically small prehistoric carbonaceous middens with shell, flakes, lithics, angular rock, and groundstone. The location of the proposed action was selected such that all archeological resources would be avoided. All boundaries of the project site would be clearly marked prior to construction to ensure no personnel or equipment venture beyond those bounds. No impacts on the surrounding archeological sites would occur from erosion either during construction or upon its completion.

Consequently, the Navy has determined that the construction and operation of four wind turbines and associated facilities would not affect the land or water uses or the natural resources of the coastal zone. In addition, the Navy has complied with all other requirements for the protection of resources other than those of the coastal zone.

4100
Ser 21/8082
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Please review the enclosures and forward a letter of concurrence. If additional information is required, please contact XXXXX XXXXXXX, at XXXXXXXXXXXXXX.

Sincerely,

DAVID HOLMES
Division Director, Electrical
Utilities and Controls Division
By direction of the
Commanding Officer

Encl:

(1) Strategic Environmental Research and Development Program (SERDP) Wind Farm Final environmental Assessment.
(2) Biolo2ical opinion on Strategic Environmental Research and Development Program Windfarm (1-6-9-97-F-18)